D.B. CIVIL SPECIAL APPEAL(W)NO.782/2006

Gwalior Polypipes Limited
Vs.
Union of India & Ors.

DATE OF ORDER :: 23-03-2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri Mahesh Gupta, for the appellant.

The writ petition of the appellant was dismissed by the learned Single Judge on the ground of non-exhaustion of alternative remedy of appeal.

After some argument, counsel submitted that appellant may be permitted to file appeal before the appellate authority. He however submitted that as the proposed appeal has become time barred, suitable direction may be issued.

Condonation of delay involves exercise of discretion by the concerned authority and it is not possible for this Court to give any firm direction. It is open to the appellant to file application under Section 5 read with Section 14(2) of the Limitation Act and satisfy the authority that he had filed the writ petition bona fide under legal advice.

With this observation, the appeal is dismissed.

[MOHAMMAD RAFIQ],J. **[S.N.JHA],CJ.**

Praveen